

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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BALTIMORE, MARYLAND 21201
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January 17, 2017

MEMO TO COUNSEL RE: Constructure Management, Inc. v. Mukesh Majmudar, et al.
Civil No. JFM-16-2309

Dear Counsel:

I have reviewed the memoranda submitted in connection with the motion to compel arbitration and stay case filed by Mukesh Majmudar, Hopkins Hospitality Investors, LLC, and Hopkins Investors, LLC. The motion (document 32) is denied. Under the MUAA, which is applicable to the contract in this case, the decision as to whether a controversy is arbitrable is to be made by the court, not the arbitrator. *See FutureCare NorthPoint, LLC v. Peeler*, 229 Md. App. 108, 143 A.2d 191 (2010); *Montgomery Cnty., Maryland v. Fraternal Order of Police, Montgomery Cnty. Lodge 35, Inc.*, 427 Md. 561, 570 (2012). I previously held that the dispute between Constructure Management and the signatory to the contract, Star Development Group, was arbitrable. It follows *a fortiori* that the dispute between Majmudar, Hopkins Hospitality Investors, LLC, and Hopkins Investors, LLC, is not arbitrable.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz
United States District Judge

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